

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**THE PUERTO RICO FISCAL AGENCY AND FINANCIAL ADVISORY  
AUTHORITY'S RESERVATION OF RIGHTS IN RESPONSE TO INTERAMERICAS  
TURNKEY, INC.'S MOTION TO REVIEW AND STAY DEBTOR'S  
REPRESENTATIVE TO DEPRIVE THE COMMONWEALTH OF INTERNAL  
REVENUE**

**INTRODUCTION**

1. The Puerto Rico Fiscal Agency and Financial Advisory Authority ("AAFAF") is aware of the Financial Oversight and Management Board's ("Oversight Board") action, *Fin. Oversight and Mgmt. Bd. for Puerto Rico v. Rosselló Nevares*, Adv. Pro. No. 17-0250-LTS (D. P.R. Aug. 28, 2017) (the "Furlough Action"), seeking (i) an order declaring that the so-called "amendments" the Oversight Board advanced when it certified the Government's Fiscal Plan are binding parts of the Fiscal Plan and (ii) injunctive relief compelling Governor Ricardo Rosselló Nevares to implement furloughs under those "amendments."

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case NO. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (iv) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808).

2. The Board initiated the Furlough Action against the Governor seeking to impose a government employee furlough program over the Governor's objection. As such, the Board and the Governor are the two real parties in interest to request that the Court adjudicate the issues relating to the disputed Furlough Program. The Governor is the appropriate advocate to argue against the Furlough Program because that task falls within his official duties and responsibilities under the Constitution of Puerto Rico to protect and preserve the "life, health, and general welfare" of the people of Puerto Rico. *See* P.R. CONST. art. II, § 19. Here, in contrast, Interamericas is merely one of thousands of creditors who might be indirectly affected by any Furlough Program. Moreover, the Governor is in the best position to advance the people of Puerto Rico's cause on the furlough issue given his in depth knowledge and experience with the operations of the Government and interaction with the Oversight Board.

3. Because the real parties in interest are the Oversight Board and the Governor, Interamericas' motion should be resolved in coordination with the Furlough Action to ensure that the real parties in interest can be heard.

4. AAFAF is evaluating the Oversight Board's allegations in its Complaint and will respond at the appropriate time. AAFAF reserves all its rights, claims, and defenses concerning the proposed furlough program, which will be advanced in the context of the Oversight Board's action.

Dated: September 11, 2017  
San Juan, Puerto Rico

Respectfully submitted,

/s/ William J. Sushon

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